

**3515.506 Agency procedures.**

(a) In order to allow the Commission sufficient time to evaluate the unsolicited proposal and negotiate any resultant contract, prospective contractors should submit their proposals, in triplicate, well in advance of the time they desire to commence their effort or activity. A minimum of six months advance submission is suggested (see FAR 15.505(c)(2)).

(b) The Procurement Executive is the Commission contact point to coordinate the receipt and handling of unsolicited proposals within the commission.

**3515.506–1 Receipt and initial review.**

(a) The Procurement Executive shall conduct an initial review of each unsolicited proposal to determine if it appears to (1) constitute a valid unsolicited proposal as described in FAR 15.503(c), and (2) meet the requirements contained in FAR 15.506–1(a). If so, the Procurement Executive shall acknowledge its receipt to the sender and initiate processing of the proposal for evaluation in accordance with 3515.506–2 of this subpart. If the proposal does not meet the requirements of FAR 15.506–1(a), or otherwise does not qualify as an unsolicited proposal, the Procurement Executive shall return it to the sender with appropriate comments.

**3515.506–2 Evaluation.**

(a) Promptly after receipt of an unsolicited proposal deemed to satisfy the requirements of 3515.506–1(a), the Procurement Executive shall forward the original and all copies to the cognizant contracting officer for further coordination of the technical evaluation of the proposal. The cognizant contracting officer shall (1) determine the appropriate Commission organization that would fund the acquisition (see FAR 15.507(b)(3)) in the event the unsolicited proposal would be acceptable for a negotiated award pursuant to FAR 15.507(b), and (2) forward a copy to that organization for technical evaluation. If more than one organization has a potential interest in the proposal, or should otherwise be included in the evaluation phase because of its technical expertise, copies of the proposal shall be circulated to each such office.

(b) Evaluating organizations shall complete their evaluations as quickly as practicable and forward them, together with all copies of the unsolicited proposal, to the cognizant contracting officer. Evaluations shall take into consideration the factors in FAR 15.506–2(a), shall be in writing, and shall include, in addition to a comprehensive technical analysis and conclusion(s), a recommendation as to the ultimate disposition of the proposal. When the recommendation is to accept the unsolicited proposal, the evaluation shall include the documentation required in FAR 15.507(b)(3).

**3515.507 Contracting methods.**

(a) If the unsolicited proposal is not recommended for acceptance after technical evaluation, the cognizant contracting officer shall return the proposal and all copies thereof to the offeror, citing the reasons why the proposal is not acceptable. A copy of the letter shall be furnished to the Procurement Executive.

(c) If the unsolicited proposal is acceptable as a basis for negotiation, the cognizant contracting officer shall:

(1) Obtain the concurrence of the General Counsel before proceeding with negotiations, and

(2) Advise the Procurement Executive in writing of such action.

**3515.508 Prohibitions.**

(b) All unsolicited proposals received by units of the Commission shall be treated “FOR OFFICIAL USE ONLY” and shall be protected from unauthorized disclosure. No copies shall be made except as authorized by the Procurement Executive or cognizant contracting officer, as appropriate. All Commission personnel who handle a proposal are responsible for safeguarding the information therein, and shall not disclose the information to unauthorized personnel within or outside of the Commission.

**Subpart 3515.8—Price Negotiation****3515.802 Policy.**

It is the policy of the Commission to obtain the cost or pricing data required pursuant to FAR 15.804 from all U.S. or

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foreign (including Panama) prime contractors and subcontractors.

### 3515.804 Cost or pricing data.

#### 3515.804-2 Requiring certified cost or pricing data.

When determining the contract amount for purposes of applying the dollar threshold at FAR 15.804-2(a) for requesting certified cost or pricing data, the value of the contract shall include any priced options. Exercise of a priced option is not considered a price adjustment and does not require submission of cost or pricing data.

#### 3515.804-3 Exemptions from or waiver of submission of certified cost or pricing data.

All findings rendered pursuant to FAR 15.804-3 (b)(2)(iii) and (c)(8) shall be approved by the cognizant HCA with the concurrence of the General Counsel. The exemptions permitted under FAR 15.804-3(g) and the waivers permitted under FAR 15.804-3(i) shall be authorized by the cognizant HCA with the concurrence of the General Counsel.

#### 3515.804-6 Procedural requirements.

For requests for proposals or modifications not exceeding \$25,000, the contracting officer may require contractors to submit information for cost or price analysis on Panama Canal Form No. 6122, Cost Breakdown, at 3553.215.

### Subpart 3515.9—Profit

#### 3515.902 Policy.

(a) The Commission shall use a structured approach to determine the profit or fee prenegotiation objective in acquisition actions of \$500,000 or more that require cost analysis based on the profit analysis factors in FAR 15.905.

(b) The following types of acquisitions are exempt from the requirements of the structured approach, but the contracting officer shall comply with FAR 15.905-1 when analyzing profit for these contracts or actions:

- (1) All actions which do not require cost analysis;
- (2) Architect-engineer contracts;

(3) Construction contracts;

(4) Contracts primarily requiring delivery of material supplied by subcontractors;

(5) Termination settlements; and

(6) Other professional services.

(c) In developing a profit or fee prenegotiation objective, the contracting officer shall comply with the requirements in FAR 15.903.

(d) When profit analysis is required, any amount proposed by the prospective contractor for the cost of money for facilities capital allowable under FAR 31.205-10 shall be deducted from the prenegotiation cost base objective before calculating the profit objective.

(e) The cognizant HCA is responsible for establishing procedures to ensure compliance with this subpart.

## PART 3516—TYPES OF CONTRACTS

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### Subpart 3516.3—Cost-Reimbursement Contracts

3516.301 General.

3516.301-3 Limitations.

### Subpart 3516.6—Time-and-Materials, Labor-Hour, and Letter Contracts

3516.601 Time-and-materials contracts.

3516.603 Letter contracts.

3516.603-2 Application.

3516.603-3 Limitations.

3516.603-70 Information to be furnished when requesting authority to issue a letter contract.

3516.603-71 Approval for modifications to letter contracts.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7650, Mar. 2, 1990, unless otherwise noted.

### 3516.000 Scope of part.

This part implements and supplements FAR part 16. It provides Commission policies and procedures for preparation of determinations and findings authorizing use of cost-reimbursement contracts, and for use of time-and-materials and letter contracts.